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TO SECSTATE WASHDC IMMEDIATE 0149
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
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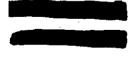
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E.O. 12065 GDS 4-4-85 (HARRIS, F. ALLEN) OR-P TAGS SHUM, AR SUBJECT (U) WEEKLY HUMAN RIGHTS ROUNDUP (APRIL 5, 1979)

REF: BUENOS AIRES 2501

PART I - NEW EVENT AND INDICATORS

1. (U) NEW YORK CITY BAR ASSOCIATION VISIT ---FIVE ATTORNEYS REPRESENTING THE BAR ASSOCIATION OF THE CITY
OF NEW YORK AND THE AMERICAN BAR ASSOCIATION BEGAN A WEEK
LONG INQUIRY INTO THE ARGENTINE HUMAN RIGHTS SITUATION ON
APRIL 1. THE DELEGATION, WHOSE VISIT IS FINANCED BY THE
ROCKEFELLER AND FORD FOUNDATIONS THROUGH GRANTS TO THE
LAWYERS'S COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS, IS HEADED
BY THE FORMER PRESIDENT OF THE NEW YORK CITY BAR ASSOCIATION,
ORVILLE SCHELL. OTHER MEMBERS OF THE DELEGATION ARE: HAROLD



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HEALY, PRESIDENT-ELECT OF THE INTERNATIONAL UNION OF LAWYERS (IUA), JUDGE MARVIN FRANKEL, SCOTT GREATHEAD, AND STEPHEN KASS.

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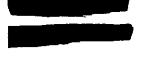
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ALTHOUGH THE GROUP HAD RECEIVED ASSURANCES IN WASHINGTON FROM ARGENTINE AMBASSADOR AJA ESPIL THAT THE GOA WOULD MAKE ARRANGEMENTS FOR THEM TO MEET WITH SENIOR GOVERNMENT OFFICIALS, NO APPOINTMENTS WERE MADE ON THEIR BEHALF. AMBASSADOR CASTRO MADE APPOINTMENTS FOR THE AMERICAN MEMBERS WITH GENERAL VIOLA, MINISTER OF JUSTICE RODRIGUEZ VARELA, SUPREME COURT PRESIDENT GABRIELLI, AND PRESIDENTIAL LEGAL ADVISOR COLONEL CERDA. OTHER ARRANGEMENTS FOR THE VISIT WERE MADE BY THE PERMANENT ASSEMBLY AND THE COLEGIO DE ABOGADOS (FACA). A COMPLICAT-ING FACTOR WAS THE SIMULTANEOUS VISIT OF IUS PRESIDENT ZERFLUG, WHO WAS UNACCEPTABLE TO THE GOA ON GROUNDS OF HIS CORRESPONDENCE AND CONTACTS WITH THELIGA PARA LOS DERECHOS HUMANOS, AND ORGANIZATION LINKE TO THE ARGENTINE COMMUNIST PARTY. ZERFLUG'S VISITS WERE INDEPENDENTLY ARRANGED.

THE NEW YORK GROUP HAS ALSO HELD MEETINGS WITH AMBASSADOR CASTRO, THE DIRECTORS OF FACA, THE PERMANENT ASSEMBLY, BUENOS AIRES HERALD EDITOR ROBERT COX, CONSTITUTIONAL LAW EXPER AND TIMERMAN'S ATTORNEY GENARO CARRIO, THE COLLEGE OF LAWYERS OF THE CITY OF BUENOS AIRES, A GROUP OF DEFENSE LAWYERS PLUS INDIVIDUAL MEETINGS WITH PROFESSIONAL LEGAL CONTACTS. THE GROUP IS SCHEDULED TO MEET WITH JEWISH COMMUNITY LEADERSHIP (DAIA), AND REPRESENTATIVES OF THE MOTHERS OF THE PLAZA DE MAYO.

AN APPOINTMENTS HAS BEEN

REQUESTED WITH INTERIOR MINISTRY OFFICIALS, BUT HAS NOT AS YET BEEN ACCEPTED. ALTHOUGH THE LAWYERS HAVE MET WITH SOME FAMILY MEMBERS REGARDING INDIVIDUAL CASES (EG SARAGOVI), THE MAJOR FOCUS OF THEIR VISIT HAS BEEN DIRECTED TOWARDS THE LEGAL PROFESSION AND THE



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THRUST OF THEIR PRESENTATIONS HAS BEEN ON PROVIDING TRIALS UNDER ARGENTINE LAW OR RELEASING THE MANY EXECUTIVE DETAINEES PRESENTLY HELD BY THE ARGENTINE GOVERNMENT. AS OF WEDNESDAY (4/4), THE GROUP APPEARED PLEASED WITH THE RECEPTION GIVEN TO THEM BY THE GOA, THEIR LEGAL COLLEAGUES AND THE HUMAN RIGHTS GROUPS.

2. (U) RECENT DISAPPEARANCES---MRS. MARCELINA ARTOLA DE BARREIRO INFORMED THE EMBASSY
ON APRIL 5 THAT HER SON, ROBERTO MARCELO BARREIRO WAS
ABDUCTED AT CAMARONES AND TERRADA STREETS IN BUENOS
AIRES ON MARCH 12, 1979 AND THAT MR. BARREIRO'S WIFE,

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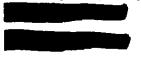
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MARIA ROSA PAREDES DE BARREIRO, WAS ALSO KIDNAPPED ON THAT SAME DAY ON CANDARCO AND CERVANTES STREETS AFTER LEAVING THE POLICE STATION WHERE SHE FILED A REPORT REGARDING HER HUSBAND'S ABDUCTION. MRS. BARREIRO HAS NO INFORMATION REGARDING THE WHERABOUTS OF THE COUPLE. THE AMBASSADOR CALLED GENERAL VIOLA IMMEDIATELY UPON HEARING THIS REPORT, SEEKING OFFICIAL EXPLANATION.

3. ( RUMORS OF POSTPONEMENT OF IACHR VISIT---THE EMBASSY HAS RECEIVED NO ADDITIONAL REPORTS REGARDING THE POSSIBLE POSTPONEMENT OF THE IACHR VISIT TO
ARGENTINA (SEE BUENOS AIRES 2593). THE REBUTTAL BY AN
IACHR SPOKESPERSON WHICH WAS CARRIED ON THE AP WIRE
QUENCHED THE RUMORS TRIGGERED BY LAST SUNDAY'S "LA
NACION WEEKLY POLITICAL COLUMN THAT THE IACHR
WAS CONSIDERING A POSTPONEMENT. MINISTER OF JUSTICE
RODRIGUEZ VARELA IN HIS MEETING WITH THE NEW YORK CITY
BAR DELEGATION TALKED ABOUT THE IACHR VISIT AS AN
EVENT FIRMLY INSCRIBED ON THE ARGENTINE HUMAN RIGHTS
CALENDAR. WE CONTINUE WITH OUR FINGERS CROSSED, BUT OUR
EARS TO THE GROUND.

4. ABRALES REPORTED DEAD---THE WIFE OF FORMER PERONIST WRITER AND SUCCESSFUL BUSINESS-



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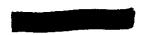
MAN, HECTOR FNU ABRALES (804-79-1) HAS INFORMED

HUMAN RIGHTS ORGANIZATIONS THAT HER HUSBAND HAS BEEN KILLED. MRS. ABRALES REPORTEDLY RECEIVED THIS INFORMATION FROM A RETIRED COLONEL WHO HAD BEEN AUTHORIZED TO INFORM THE FAMILY BY FIRST CORPOS AUTHORITIES. THE SOURCE SAID THAT IF ASKED, THE FIRST CORPS WOULD DENY THE REPORT. MR. ABRALES WAS ABDUCTED ON JANUARY 22, 1979 IN DOWNTOWN BUENOS AIRES AND HAS NO BEEN HEARD FROM SINCE.

5. RIGHT OF OPTION DEVELOPMENTS----



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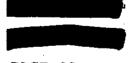
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THE MINISTRY OF INTERIOR IN AN UNUSUAL PRESS ANNOUNCE-MENT REPORTED THAT THE PEN PRISONER SITUATION WAS THE TOPIC OF A SPECIAL MARCH 29 MEETING OF THE MINISTER OF INTERIOR AND THE MEMBERS OF A SPECIAL COMMISSION WHICH REVIEWS THE REQUESTS FOR THE OPTION TO LEAVE THE COUNTRY.

IN REPONSE TO SEVERAL OF THE THIS EMBASSY'S INITIATIVES, THE MINISTRY OF INTERIOR HAS BEGUN TO DISTINGUISH IN ITS PERIODIC PEN PRISONER PRESS ANNOUNCEMENTS BETWEEN THOSE PERSONS WHOSE PEN STATUS HAS BEEN REMOVED AND WHO REMAIN IN PRISON UNDER JUDICIAL DETENTION AND THOSE WHO WILL BE FREED. MINISTRY OF INTERIOR DIRECTOR OF INTERNAL SECURITY SAN ROMAN HAD SUGGESTED TO EMBOFF RECENTLY THAT THE MINISTRY WOULD TAKE THIS STEP IN THE FUTURE. HOWEVER, SAN ROMAN CONTINUES TO BE NON-COMMITTAL REGARDING PROVIDING THIS INFORMATION TO THE EMBASSY FOR PAST PEN REMOVAL CASES.



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6. (U) SENTENCES ANNOUNCED---A NUMBER OF SENTENCES HAVE BEEN HANDED DOWN BY JUDICIAL
AUTHORITIES IN 1979 AGAINST PERSONS ACCUSED OF TERRORIST
OR SUBVERSIVE ACTIVITIES. SEVENTEEN SUCH DECISIONS AND
ON ACQUITTAL HAVE BEEN ANNOUNCED BY COURT IN THE CITY

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AND PROVINCE OF BUENOS AIRES. THERE HAVE BEEN FIVE CASES IN ROSARIO AND THREE IN SANTA FE. IN ALL THE CASES IN WHICH THERE IS DETAILED INFORMATION, THE PERSONS WERE ARRESTED AND INDICTED PRIOR TO THE MILITARY TAKEOVER IN MARCH 1976.

ON MARCH 24, THE NATIONAL COUNCIL OF THE COMMISSION OF PATRIMONIAL RESPONSIBILITY PUBLISHED AN OFFICIAL ANNOUNCEMENT REQUESTING THOSE PERSONS WHO HAD RECEIVED POSSESSIONS FROMA LIST OF PERSONS BEING INVESTIGATED UNDER THE ACTA INSITUCIONAL TO CONTACT THE COMMISSION WITHIN 30 DAYS. INCLUDED ON THE LIST WERE JACOBO TIMERMAN, MEMBERS OF THE GELBARD AND GRAIVER FAMILIES, FORMER PRESIDENT CAMPORA AND MANY FORMER PERONIST GOVERNMENT OFFICIALS. THIS IS THE FIRST INDICATION THISYEAR THAT THE CONAREPA IS ACTIVELY WORKING ON THESE CASES.

8. HRO ACTIVITIES: FURTHER RESUME OF RECENT ACTIVITIES----

MOTHERS OF THE PLAZA DE MAYO---THE FOUR MOTHERS OF THE PLAZA DE MAYO WHO RECENTLY
TRAVELED TO THE LATIN AMERICAN BISHOPS CONFERENCE IN
PUEBLA, MEXICO AND THE ON TO WASHINGTON AND NEW YORK,
MET WITH AMBASSADOR CASTRO ON MARCH 30 TO REPORT ON
THEIR TRIP. THE MOSTERS RECOUNTED THEIR EXTENSIVE
MEETINGS IN THE US WITH ADMINISTRATION, CONSGRESSIONAL,



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UNITED NATIONS, CHURCH AND HUMAN RIGHTS OFFICIALS. THE MOTHERS CHARACTERIZED THEI RECEPTION IN THE UNITED STATES AS ONE OF GREAT WARMTH AND CONCERN.
THE GOVERNMENT CONTINUES TO PROHIBIT USE OF THE

PLAZA DE MAYO ON THURSDAY AFTERNOONS TO THE MOTHERS.
THE MOTHERS HAVE ADOPTED THE PRACTICE OF MEETING IN
A DIFFERENT CHURCH AT 5:00 PM EACH THURSDAY TO SAY
A ROSARY TOGETHER FOR THE REAPPEARANCE OF THEIR
CHILDREN. AT THE CONCLUSION OF THEIR PRAYERS, THE
MOTHERS HOLD A SHORT INFORMAL INFORMATION SESSION,
DECIDE ON THE SITE OF THE NEXT WEEK'S MEETING AND
THEN FILE OUT OF THE CHURCH TOGETHER, GENERALLY TO A
NEARBY PLAZA WHICH THEY CIRCLE ONCE OR TWICE IN A
SILENT DEMONSTRATION FOR THEIR DISAPPEARED CHILDREN.
PERMANENT ASSEMBLY ACTIVITIES-----

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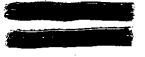
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THE ARGENTINE PERMANENT ASSEMBLY IS CONTINUING ITS EFFORTS TO DOCUMENT DISAPPEARNACE AND DETENTION. CASES FOR PRESENTATION TO THE IACHR. ASSEMBLY MEMBERS HAVE EXPRESSED SATISFACTION TO THE EMBASSY OVER THE WIDE PUBLICITY AND LACK OF GOA DISAVOWAL OF ITS RECENTLY PUBLISHED LIST OF 4,497 DISAPPEARNACE CASES (SEE BUENOS AIRES 2592 RE ACCEPTANCE OF LIST BY MINISTRY OF FOREIGN AFFATG XQOUAYCIAL ARLIA).

(U) JOURNALISTS HRO FORMED --- TH/BVOS--CALLED THE "SUBCOMISION DE FAMILIARES DE PERIDISTAS DESAPARECIDOS Y DETENIDOS." WAS ANNOUNCED IN THE PRESS DURIN TWJ-4\$8, & 61 ARGENTINE JOURNALISTS WHO HAVE DISAPPEAREDOR BEEN DETAINED OVER THE PAST SEVERAL YEARS.

FDD ACTIVITIES----

THE FDD IS UNDERTAKING AN INTIATIVE TO PETITION THE IACHR MEMBERS UPON THEIR ARRIVAL IN ARGENTINA IN LATE MAY. THE PETITION WILL REQUEST REESTABLISHMENT OF NORMAL POLICE AND JUDICIAL PRACTICES (GUARANTEES), TRIAL OR FREEDOM FOR THE PEN PRISONERS, IMPROVED PRISON



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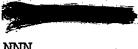
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CONDITIONS, AND CLARAFICATION OF THE STATUS OF THE DISAPPEARED.

THE FDD SENT A FIVE PERSON DELEGATION TO THE RE-RENT PUEBLA CONFERENCE. THE FDD MEMBERS REPORTEDLY MET WITH 43 OF THE BISHOPS ATTENDING THE CONFERENCE AND MADE MUNEROUS PRESS CONTACTS.

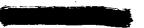
REGIONALS HRO'S----

IN MARCH A HUMAN RIGHTS ORGANIZATION WAS ORGANIZED IN LA PLATA, THE CAPITAL OF THE PROVINCE OF BUENOS AIRES AND ONE OF THE MAJOR AREAS OF THE GOVERNMENT'S ANTI-SUBVERSION PROGRAM. AN ORGANIZATIONAL COMMITTEE IS AT WORK ANOISYOJS HAVE BEEN ESTABLISHED WITH THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS. THE ORGANIZATION'S LEADER-SHIP ESTIMATE THAT THERE HAVE BEEN A TOTAL OF ABOUT 1,500 DISAPPEARANCE REPORTS FROM THE CITY OF LA PLATA. ANOTHER NUMAN RIGHTS ORGANIZATION HAS BEEN OPERAT-IN MAR DEL PLATA. TWO MASSES HAVE BEEN HELD IN





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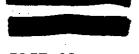
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1979 COMMEMORATING THE DISAPPEARED. A GROUP OF 15 TO 25 MOTHERS HAVE BEEN MEETING IN THE PLAZA SAN MARTIN EACH THURSDAY AFTERNOON SINCE NOVEMBER, 1978. IN ADDITIONA, 60 TO 70 FAMILY MEMBERS OF DESAPARECIDOS MEET ON SUNDAYS AT THE CAPILLA SANTA ANA. ANOTHER HUMAN RIGHTS GROUP CALLED FAMILIARES DE DESAPARECIDOS DELANUS RAN A PAID ADVERTISEMENT IN "LA PRENSA" ON MARCH 10. LANUS IS A SOUTHERN SUBURB OF BUENOS AIRES.

9. REACTION TO UNHCR MEETING---HUMAN RIGHTS ACTIVISTS HAVE EXPRESSED DISAPPOINTMENT
TO THE EMBASSY THAT THE MARCH MEETING OFUNITED NATIONS
HUMAN RIGHTS COMMISSION IN GENEVA FAILED-TO PASS A
RESOLUTION REGARDING ARGENTINA. THOSE CONTACTS NOTED
THAT THE HUMAN RIGHTS SITUATION IN ARGENTINA WAS
CONSIDERABLY WORSE THAN OTHER COUNTRIS WHICH HAD



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BEEN THE FOCUS OFUNCHR'S ATTENTION. AUSTRALIAN EMBASSY DCM ALSO EXPRESSED DISAPPOINMTNET AT FAILURE OF THE USG TO SUPPORT THE AUSTRALIAN-CANADIAN INITIATIVE.

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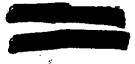
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HORACIO SARAGOVI DETENTION (269-78-1)---MRS. SARAGOVI CALLED AT THE EMBASSY ON MARCH 23 TO
SEEK EMBASSY ASSISTANCE REGARDING THE COMMUTATION OF
THE MILITARY SENTENCE ISSUED AGAINST HER SON IN
NOVEMBER, 1976. MRS. SARAGIVI REPORTED THAT THE SUPREME
COURT ON DECEMBER 9, 1978 REFUSED TO ACCEPT JURISDICTION
ON PROCEDURAL GROUNDS OF HER APPEAL ALLEGING A NUMBER
OF IRREGULARITIES IN THE MILITARY TRIAL OF HER SON. MRS.
SARAGIVI FILED A FORMAL COMMUTATION PETITION ON MARCH 9,
1979 AND HAS BEEN MEETING WITH OFFICIALS IN THE ARGENTINE
GOVERNMENT TO GAIN SUPPORT FOR ITS ACCEPTANCE.
--\* DISAPPEARNACE OF ANTONIO EDUARDO CZAINIK (225-77-11) --

MR. DAVID CZAINIK, SUBJECTS FATHER, MET WITH AMBASSADOR CASTRO ON FEBRUARY 20 TO DISCUSS HIS SON'S DISAPPEARANCE AND TO INFORM THE AMBASSADOR THAT HE HAS RECEIVED INFORMATION THAT HIS SON IS BEING DETAINED SECRETELY BY THE SIDE. AMBASSADOR CASTRO UNDERTOOK TO RAISE CZAINIK'S CASE WITH GOA OFFICIALS.

THE LOKMAN CASE (90-78-11)---THE DECISION ON MARCH 29 BY THE FEDERAL COURT OF CRIMINAL APPEALS IN CORDOBA DENYING ALL FOUR COMPLAINTS CONTAINED IN THE HABEAS CORPUS PETITION FILED ON BEHALF OF MAIME LOKMAN RECEIVED WIDE PRESS COVERAGE BOTH IN THE CORDOBA PROVINCIAL NEWSPAPERS AND IN THE NATIONAL PRESS. (SEE H PASS SEPTELS FOR DETAILES DISCUSSION OF ECISION.) THE CORDOBA COURTS' DECISION IS THE FIRT UNANIUMOUS COURT OF APPEALS DECISION IN A HABEAS CORPUS CASE SINCE THE



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SUPREME COURT ISSUED ITS SERIES OF DECISIONS IN THE YANEZ ET AL CASES. (SEE BUENOS AIRES 2501, PARA 3). THE CORDOBA APPEALS COURT OFFERED NARROW INTERPRETATION OF THE ZAMARANO SUPREME COURT DECISION, STATING THAT ASSERTIVE AND UNEQUIVOCAL AFFIRMATIONS FROM THE EXECUTIVE THAT A PERSON IS LINKE WITH SUBVERSION, OBLIGATES THE JUDICIAL POWER TO RESPECT THE RESEVED SPHERE OF THE POLITICAL POWER AND NOT SUBJECT SUCH DECISIONS TO JUDICIAL REVIEW DURING PERIOS OF STATE OF SIGE. IN ADDITION TO THIS CLEAR STATEMENT OF THE SEPARATION OF POWER DOCTRINE, THE COURT ADDED THAT LINKS WITH SUBVERSION COUL NOT ALWAYS BE PROVEN IN THE CONVINCING FORM THAT THE JUDICIAL PROCESS REQUIRED AND IN SUCH CASES THE EXECUTIVE WAS ENTITLED TO CONTINUE THE DETENTION OF DANGEROUS PERSONS BY VIRTUE

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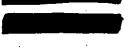
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OF ITS CONSITUTIONAL STATE OF SIEGE POWERS.
BUENOS AIRES EDITOR ROBERT COX REPORTED TO THE
EMBASSY THAT HE HAD RECEIVED A PHONE CALL FROM THE
MINISTRY OF INTERIOR ASKING THAT THE HERALD CEASE ITS CAMPAIN
ON BEHALF OF JAIME LOKMAN'S RELEASE.

11. (U) VILLA DEVOTO PRISON RIOT INVESTIGATION CONTINUES----

IN MID-FEBRUARY THE SUPREME COURT RULED THAT
FEDERAL JUDGE VALERGA MUST CONINTUE PROBING INTO THE MARCH 14,
1978 VILLA DEVOTO PRISON RIOT IN WHICH 70 INMATES
DIES AND ANOTHER 70 WERE INJURED\*?\$HUDGE VALERGA AND
JUDGE RIVAROLA. JUDGE RIVAROLA MADE A PERLIMINARY
INVESTIGATION EARLY IN 1978 AND ANNOUNCED THAT NONE
OF THE VICTIMS HAD DIED FROM GUNSHOT FIRED BY THE
GUARDS. IN MAKING THAT DECISION, JUDGE RIVAROLA DECIDED
THAT FURTHER INVESTIGATION DID NOT COME WITHIN HIS
JURISDICTION AS A FEDERAL JUDGE AND HE PASSED THE
DOSSIER TO HIS COLLEAGUE, JUDGE VALERGA,
WHO DECLINED TO CONTINUE THE PROBE. THE SUPREME COURT
HAS NOW PUT AN END TO A CONTROVERSY, THE BASIS OF WHICH

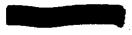


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HAS NOT BEEN MADE CLEAR.

IN LATE JANUARY THE MINISTRY OF JUSTICE FORMALIZED A CHANGE IN THE ARGENTINE PENAL CODE REGARDING THE HOUR FOR RELEASING FEDERAL PRICONERS AT THE CONCLUSION OF THEIR SENTENCE. PREVIOUSLY, PRISONERS WERE RELASED AT MIDNIGHT THE DAY THEIR SENTENCE EXPIRED. IN FEBRUARY AND MARCH, 1978, FOUR PRISONERS WHO WERE JUDICIALLY FREED FROM LA PLATA PRISON DISAPPEARED IMMEDIATELY AFTER THEIR MIDNIGHT RELEASE. THIS LED TO A MOVEMENT BY THE "FREED PRISONERS' LEAGUE" TO CHANGE THE CRIMINAL PROCEDURAL CODE TO ALLOW PRISONERS TO BE RELEASED AT MIDDAY INSTEAD OF MIDNIGHT. THIS MEASURE HAS NOW BEEN ADOPTED BY BOTH THE FEDERAL GOVERNMENT AND BY THE PROVINCIAL PRISON SYSTEM IN BUENOS AIRES. CASTRO



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